

### REMARKS

Applicant requests favorable reconsideration of this application in view of the foregoing amendments and the following remarks. Of claims 2-10 that were pending in the application, claims 5-9 were rejected in the Office Action. Applicant appreciates the allowance of claims 2-4 and the indication of allowable subject matter in claim 10.

By way of this amendment, allowed claim 2 has been non-narrowingly amended to be more grammatically sound. In addition, claim 10 has been amended to be in independent claim format in response to the positive indication of allowable subject matter therein and, therefore, claim 10 should be in condition for allowance. Finally, claim 5 has been amended and new claim 11 has been added. Accordingly, claims 2-11 are respectfully presented for further consideration.

#### **1. Rejection of Claims 5-7**

The Examiner rejected claims 5-7 under 35 U.S.C. § 103(a) as allegedly being obvious when considering U.S. Patent No. 5,565,973 ("Fujishiro) in view of U.S. Patent No. 5,585,598 ("Kasahara"). For the following reasons, Applicant respectfully traverses this rejection.

As amended, claim 5 recites an image forming apparatus that includes, among other possible things (*italic emphasis added*):

- an image carrier, which rotates about a shaft;
- an exposure device for forming a latent image on the image carrier;
- a plurality of developing devices each having a developing roller for developing the latent image at a developing position;
- a revolver which holds the plurality of developing devices, said revolver sequentially moving each developing roller of the developing devices to the developing position by rotating about a shaft;
- a support frame which rotatably supports the shaft of the revolver;
- a positioning device, which positions the image carrier out of contact with the revolver by supporting the shaft of the revolver and that of the image carrier, and which defines a predetermined gap between each of the developing rollers and image carrier at the developing position;*
- an intermediate transfer member which is in contact with the image carrier at a top portion of the image carrier in a vertical direction, said intermediate transfer member carrying an image formed on the image carrier.

As hereafter explained, neither Fujishiro nor Kasahara, when standing alone or combined, teaches or suggests such an image forming apparatus.

Preliminary, with respect to Fujishiro, the Examiner acknowledges that "Fujishiro et al. do not disclose a position device." To cure this deficiency the Examiner turns to Kasahara

and specifically to the spacer rollers 116 taught therein. *See* col. 7, lines 12-37; Figs. 9, 10. The spacer rollers 116, however, do not support “the shaft of the revolver and that of the image carrier,” as above-italicized. Accordingly, as Kasahara’s spacer rollers 116 fail to support the shafts of the revolver and the image carrier, Kasahara’s spacer rollers 116 can not be used to cure the deficiencies of Fujishiro.

In light of the foregoing, as the combination of Fujishiro and Kasahara fails to teach or suggest each of the limitations of claim 5, the combination can not be used to reject claim 5, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 6 and 7 depend from claim 5, each of these dependent claims is also allowable over the combination of Fujishiro and Kasahara. Therefore, Applicant respectfully requests a withdrawal of the rejection of claims 5-7 under § 103(a).

## **2. Rejection of Claims 8 and 9**

The Examiner rejected claims 8 and 9 under 35 U.S.C. § 103(a) as allegedly being obvious when considering Fujishiro in view of Kasahara and further in view of U.S. Patent No. 6,647,232 (“Suzuki”). For the following reasons, Applicant respectfully traverses this rejection.

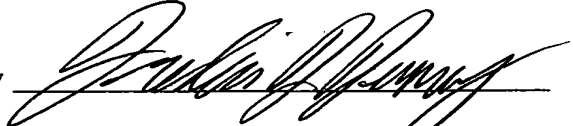
As previously discussed, the combination of Fujishiro and Kasahara fails to teach or suggest the positioning device recited in claim 5 (*i.e.*, the claim from which claims 8 and 9 depend). Suzuki, quite simply, fails to cure this deficiency. Accordingly, as the combination of Fujishiro, Kasahara, and Suzuki fails to teach or suggest the positioning device recited in claim 5, the combination can not be used to reject claim 5, or any claim dependent thereon, under 35 U.S.C. § 103(a). Moreover, as claims 8 and 9 depend from claim 5, each of these dependent claims is also allowable over the combination of Fujishiro, Kasahara, and Suzuki. Therefore, Applicant respectfully requests a withdrawal of the rejection of claims 8 and 9 under § 103(a).

### CONCLUSION

For the aforementioned reasons, claims 2-11 are now in condition for allowance. A Notice of Allowance at an early date is respectfully requested. The Examiner is invited to contact the undersigned if such communication would expedite the prosecution of the application.

Respectfully submitted,

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